

- In the 213th Judicial District Court of Tarrant County, Cause No. 1004856R
- In the Texas Court of Criminal Appeals (*Barbee v. State*, No. AP-75,359; *Ex Parte Barbee*, WR-71,071-01, WR-71-071-02; WR-71,071-03
- In the United States District Court for the Northern District of Texas, *Barbee v. Thaler*, No. 4:09-cv-744
- In the Fifth Circuit Court of Appeals, *Barbee v. Stephens*, Case No. 15-70022.

Undersigned counsel is still acting in his capacity as CJA counsel, and was appointed to represent Mr. Barbee in the United States District Court, Northern District of Texas, pursuant to 18 U.S.C. §3599(a)(2), *see Harbison v. Bell*, 556 U.S. 180 (2009), where indigent status was granted, and therefore no affidavit or declaration is attached in support of this motion.

A proposed order is also enclosed for the convenience of the Court.

DATED: September 21, 2021.

Respectfully submitted,

s/s A. Richard Ellis

A. Richard Ellis
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CERTIFICATE OF ELECTRONIC SERVICE

I, A. Richard Ellis, do hereby certify that I electronically filed the foregoing pleading with the Clerk of the Court for the United States District Court for the Southern District of Texas, using the electronic case filing system of the Court on September 21, 2021. I have also served Defendant's counsel of record, Mr. Stephen Hoffman of the Office of the Attorney General, State of Texas via e-mail at stephen.hoffman@oag.texas.gov.

/s/ A. Richard Ellis

A. RICHARD ELLIS

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN BARBEE.,

Plaintiff,

VS.

BRYAN COLLIER, Executive Director,
Texas Department of Criminal Justice
Huntsville, Texas

BOBBY LUMPKIN, Director,
Texas Department of Criminal
Justice, Correctional Institutions
Division, Huntsville, Texas

DENNIS CROWLEY, Warden, Texas
Department of Criminal Justice,
Huntsville Unit,
Huntsville, Texas,

Defendants.

No. _____

(Death Penalty Case)

**Mr. Barbee is scheduled to be
Executed on October 12, 2021**

ORDER GRANTING PETITIONER'S MOTION TO PROCEED *IN FORMA PAUPERIS*

Upon due consideration of Plaintiff's Motion to Proceed *In Forma Pauperis*, it is hereby ORDERED that Plaintiff Stephen Dale Barbee may proceed in this cause *in forma pauperis*, without payment of costs and may otherwise proceed in this cause as an indigent.